

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION

This document relates to:

*County of Summit, Ohio, et al. v. Purdue  
Pharma L.P., et al.*

Case No. 1:18-OP-45090

*The County of Cuyahoga v. Purdue Pharma  
L.P., et al.*

Case No. 17-OP-45004

MDL No. 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

**DECLARATION OF JENNIFER D. CARDELUS IN SUPPORT OF  
JANSSEN'S MOTION FOR SUMMARY JUDGMENT**

I, Jennifer D. Cardelus, declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP and counsel of record for Defendants Johnson & Johnson, Janssen Pharmaceuticals, Inc., Janssen Pharmaceutica, Inc. n/k/a Janssen Pharmaceuticals, Inc., and Ortho-McNeil-Janssen Pharmaceuticals, Inc. n/k/a Janssen Pharmaceuticals, Inc. (collectively "Janssen"), in the above-captioned matter. I submit this declaration in support of Janssen and Johnson and Johnson's Motion for Summary Judgment. I have personal knowledge of the following facts set forth below and, if called and sworn as a witness, could and would testify competently thereto.

2. Attached here to as Exhibit 1 is a true and correct copy of Lacey Keller's expert report submitted on April 15, 2019.

3. Attached here to as Exhibit 2 is a true and correct copy of excerpts from the deposition of Lacey R. Keller, taken on June 13, 2019, in New York, New York.

4. Attached here to as Exhibit 3 is a true and correct copy of excerpts from the deposition of Bruce Moskowitz, taken on January 9, 2019, in Oklahoma City, Oklahoma for the matter *State of Oklahoma v. Purdue Pharma, L.P. et al.*, Case No. CJ-2017-816.

5. Attached here to as Exhibit 4 is a true and correct copy of excerpts from the deposition of Bruce Moskowitz, taken on November 14, 2018, in Princeton, New Jersey.

6. Attached here to as Exhibit 5 is a true and correct copy of excerpts from the deposition of Gary Vorsanger, taken on January 17, 2019, in Princeton, New Jersey for the matter *State of Oklahoma v. Purdue Pharma, L.P. et al.*, Case No. CJ-2017-816.

7. Attached hereto as Exhibit 6 is a true and correct copy of the FDA labeling for Nucynta ER (2014).

8. Attached hereto as Exhibit 7 is a true and correct copy of the FDA labeling for Nucynta (2013).

9. Attached here to as Exhibit 8 is a true and correct of Eric Galia *et al.*, *Evaluation of the tamper-resistant properties of tapentadol extended-release tablets: Results of in vitro laboratory analyses*, J. Opioid Mgmt. 10:3 (2014).

10. Attached here to as Exhibit 9 is a true and correct copy of Nucynta ER: Fourth Safety Surveillance Plan Progress Report (2013).

11. Attached here to as Exhibit 10 is a true and correct copy of excerpts from the deposition of James E. Rafalski, taken on May 14, 2019, in Detroit, Michigan.

12. Attached here to as Exhibit 11 is a true and correct copy of Prescribe Responsibly.

13. Attached here to as Exhibit 12 is a true and correct copy of Let's Talk Pain.

14. Attached here to as Exhibit 13 is a true and correct copy of Exhibit 42-A, B, C from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

15. Attached here to as Exhibit 14 is a true and correct copy of Exit Wounds.

16. Attached here to as Exhibit 15 is a true and correct copy of Finding Relief.

17. Attached hereto as Exhibit 16 is a true and correct copy of David Kessler's expert submitted on March 25, 2019.

18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from David Egilman's expert report submitted on March 25, 2019.

19. Attached hereto as Exhibit 18 is a true and correct copy of excerpts from Mark Schumacher's expert report submitted on March 25, 2019.

20. Attached hereto as Exhibit 19 is a true and correct copy of excerpts from Mathew Perri III's expert report submitted on March 25, 2019.

21. Attached here to as Exhibit 20 is a true and correct copy of excerpts from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

22. Attached here to as Exhibit 21 is a true and correct copy of Exhibit 46 from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

23. Attached here to as Exhibit 22 is a true and correct copy of Exhibit 48 from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

24. Attached here to as Exhibit 23 is a true and correct copy of Exhibit 49 from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

25. Attached here to as Exhibit 24 is a true and correct copy of Exhibit 50 from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

26. Attached here to as Exhibit 25 is a true and correct copy of Exhibit 51 from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

27. Attached here to as Exhibit 26 is a true and correct copy of Exhibit 52 from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

28. Attached here to as Exhibit 27 is a true and correct copy of Exhibit 54 from the deposition of Michele R. Dempsey, taken on March 8, 2019, in Princeton, New Jersey.

29. Attached here to as Exhibit 28 is a true and correct copy of a document produced by Janssen in this case, bearing beginning Bates Number JAN-MS-05433746.

30. Attached here to as Exhibit 29 is a true and correct copy of excerpts from the deposition of Thomas Prevoznik, taken on April 17, 2019, in Washington, D.C.

31. Attached here to as Exhibit 30 is a true and correct copy of excerpts from the deposition of James Gutierrez, taken on January 31, 2019, in Cleveland, Ohio.

32. Attached here to as Exhibit 31 true and correct copy of excerpts from the deposition of Stephen Perch, taken on October 18, 2018, in Akron, Ohio.

33. Attached here to as Exhibit 32 true and correct copy of excerpts from the deposition of Joan Papp, taken on February 5, 2019, in Cleveland, Ohio.

34. Attached here to as Exhibit 33 true and correct copy of excerpts from the deposition of Scott Moran, taken on December 20, 2018, in Cleveland, Ohio.

35. Attached here to as Exhibit 34 true and correct copy of excerpts from the deposition of Kenneth Ball, taken on November 7, 2018, in Akron, Ohio.

36. Attached here to as Exhibit 35 is a true and correct copy of the publication “2010 Ohio Drug Overdose Data: General Findings” as produced by Cuyahoga County.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this Declaration was executed in Los Angeles, California on June 28, 2019.

/s/ Jennifer D. Cardelus  
Jennifer D. Cardelus

**CERTIFICATE OF SERVICE**

I, Charles C. Lifland, hereby certify that the foregoing document was served on June 28, 2019 via electronic transfer to all counsel of record, consistent with the Court's order.

Dated: June 28, 2019

/s/ Charles C. Lifland  
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